

***REMARKS***

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

In the present Reply, claim 1 has been amended. Claims 3, 6-9 and 11-21 were previously canceled without prejudice or disclaimer of the subject matter contained therein. Claims 22-25 stand withdrawn. Thus, claims 1, 2, 4, 5, 10 and 22-25 are pending in the present application.

No new matter has been added by way of the amendment to claim 1, because this amendment is supported by the present specification at least at page 3, line 20 to page 4, line 10, page 7, lines 27-34 and in Figure 6.

The changes to the Drawings also do not add new matter (these are the same Drawings as submitted with Applicants' previous Reply of September 9, 2004, except the changes are shown in red).

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw the objection and all rejections and allow the currently pending claims.

*Objection to Drawings*

Replacement drawings are submitted herewith showing marked-up changes, pursuant to the Examiner's request (see page 7 of the Office Action). Entry and the Examiner's approval of these drawings are respectfully requested.

*Response to Election/Restrictions*

Applicants respectfully maintain their position that the subject matter in claims 22-25 have been improperly withdrawn from consideration. Applicants respectfully request that the Examiner consider these claims as a part of the elected invention.

First, the original Election of Species Requirement, as stated in the Office Action of April 1, 2002, states that claims 1-5 and 13 are generic. Thus, under M.P.E.P. § 809.02(c), Applicants respectfully submit that pending claims 22-25 are embraced by the allowed generic claim 1, as these claims depend on claim 1.

Second, the original election was for different physical properties of the firing material versus the supporting material (see the April 1<sup>st</sup> Office Action), wherein claims 1-5 and 13 are generic. Pending claims 22-25 fit within the species as originally elected.

Further, Applicants maintain that a search has already been done, and there is no undue burden on the Office. For instance, claim 22 depends on already considered claim 1, wherein the movable supports has already been searched and considered. Claim 22 merely recites that the claimed moveable supports are suspended hooks.

Thus, Applicants respectfully request that the Examiner consider the patentability of claims 22-25 as being within the elected invention.

***Issues Under 35 U.S.C. §§ 112, First and Second Paragraphs***

Claims 1-2, 4-5 and 10 stand rejected under 35 U.S.C. § 112, first paragraph, due to asserted lack of written description. Also, claims 1-2, 4-5 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, for a reason of indefiniteness. Applicants respectfully traverse, and reconsideration and withdrawal of this rejection are respectfully requested.

In the Office Action, the Examiner cites that the claim language of "operatively connected" has no literal support in Applicants' specification. However, Applicants respectfully refer the Examiner to the scope of claim 1 as presented herein, which defines the moveable supports as the bridge portion and supporting rods. The amendment to claim 1 has support in the present specification at least at page 3, line 20 to page 4, line 10; page 7, lines 27-34, and in Figure 6. Thus, Applicants also refer the Examiner to the mentioned parts of the present specification.

Accordingly, Applicants respectfully submit that the disputed claims fully comply with the provisions of 35 U.S.C. § 112, first paragraph and § 112, second paragraph. Thus, reconsideration and withdrawal of both rejections are respectfully requested.

***Issues Under 35 U.S.C. §§ 102(b) & 103(a)***

Claims 1, 2, 4, 5 and 10 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Thurnauer '352 (U.S. Patent No. 3,904,352). Applicants respectfully traverse both rejections, and reconsideration and withdrawal of these rejections are respectfully requested.

Applicants respectfully submit that patentable distinctions exist over the cited Thurnauer '352 reference. In the Office Action, the Examiner refers Applicants to Fig. 2 and parts of columns 1, 3 and 4 in Thurnauer '352. However, the instant invention recites materials that are patentably distinct from the disclosure in Thurnauer '352. Specifically, the present invention comprises a bridge portion with support rods, wherein Thurnauer '352 fails to disclose such features.

Thus, Applicants respectfully submit that the rejection under § 102(b) has been overcome, since there is no disclosure of all claimed features. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Thurnauer '352, including the cited Figure 2, lacks disclosure of all claimed features. Likewise, the rejection under § 103(a) has been overcome due to the cited reference failing to disclose all instantly claimed features, which is one of the requirements for a *prima facie* case of obviousness. *See In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991); *see also In re Kotzab*, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000). The requisite motivation and/or reasonable expectation of success are further lacking in that Thurnauer '352 has no disclosure or suggestion of using the instantly claimed moveable supports. Even

Figure 2 of Thurnauer '352 does not correspond to the present invention. Accordingly, these rejections have been overcome, and withdrawal thereof is respectfully requested.

Applicants also respectfully submit that the Examiner is engaging in "piecemeal examination." *See* M.P.E.P. § 707.07(g). In Applicants' previous Reply of September 9, 2004, claim 1 was amended by incorporating the subject matter of claim 21. Claim 21 was not rejected in view of the prior art in the outstanding Office Action. Thus, Applicants properly asserted that claim 1 as amended overcame the prior art rejections (*i.e.*, see page 15 of the September 9<sup>th</sup> Reply). Thus, claim 21 should at least have been at issue in the previous Office Action.

### ***Conclusion***

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-

2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By

  
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Attachments

***AMENDMENTS TO THE DRAWINGS***

Attached hereto are 6 (six) sheets of corrected drawings (containing Figures 1-12) that comply with the provisions of 37 C.F.R. § 1.84. The corrected drawings incorporate the changes indicated in red ink.

It is respectfully requested that the corrected drawings be approved and made a part of the record of the above-identified application.